

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. MJ 08-299
v.)	
)	
DARWIN MAURICE CALDWELL,)	DETENTION ORDER
)	
Defendant.)	
_____)	

Offenses charged:

Count 1: Conspiracy to Distribute Crack Cocaine, in violation of Title 21 U.S.C. §§ 841(a)(1) and 841 (b)(1)(A).

Date of Detention Hearing: July 1, 2008.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds the following:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that defendant is a flight risk and a danger to the community based on the nature of the pending charge. Application of the presumption is appropriate in this case.

(2) Pursuant to a search of defendant's residence, ammunition and a loaded magazine were recovered. A search of a friend's residence also took place. The owner of the residence

acknowledged that a firearm found there belonged to the defendant.

(3) Defendant has a lengthy criminal history, including assaults and attempts to elude.

(4) Defendant has a lengthy history of failures to appear and probation violations, indicating an unwillingness or inability to comply with supervision.

(5) It appears that defendant was on Washington Department of Corrections supervision when the charged conduct occurred.

(6) There are no conditions or combination of conditions other than detention that will reasonably assure the appearance of defendant as required or ensure the safety of the community.

IT IS THEREFORE ORDERED:


(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 2nd day of July, 2008.


JAMES P. DONOHUE
United States Magistrate Judge